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Supreme Court of Wisconsin

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FILED

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CLERK OF WISCONSIN

SUPREME COURT

April 15, 2025

To:

Hon. Gregory J. Jerabek
Circuit Court Judge
Electronic Notice

Kimberly Stimac
Clerk of Circuit Court
Wood County Courthouse
Electronic Notice

Brian Keenan
Electronic Notice

Coty J. Mayfield
433 County Highway G
Plainfield WI 54966

Tyler Frick
Electronic Notice

You are hereby notified that the Court, by its Commissioners, has entered the following order:

No. 2025AP557

Frick v. Wood County Circuit Court, L.C.#2025GF18

Pending before this court are a petition for review and various associated documents filed by Tyler Frick, proceeding pro se. This matter was commenced by the filing of a Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing ("Petition") in the Wood County Circuit Court, in which Coty J. Mayfield was named as the respondent. The petition, inter alia, sought a temporary restraining order against Mayfield. The circuit court denied the request for a temporary restraining order. Frick then filed a notice of appeal erroneously listing "Wood County Circuit Court" as the respondent. Frick explained his rationale for doing so in a letter to the clerk of the court of appeals: "I have listed the Circuit Court as the Appellee for this appeal, because the respondent on the TRO/Injunction did not oppose the appeal. The Wood County Circuit Court opposes it, by way of their denial of my petition." Thereafter, this matter proceeded through the court of appeals captioned with "Wood County Circuit Court" listed as the respondent. This was in error.

Wisconsin Stat. § 809.10(1)(b)1. directs that a notice of appeal must contain "[t]he circuit court case name and number." The circuit court case name and number in this instance is "Tyler C. Frick v. Coty J. Mayfield, 2025GF18." Further, Wis. Stat. § 809.01(29) defines the "Respondent" on appeal as "a person adverse to the appellant or co-appellant." Here, the person adverse to the appellant is Mayfield, the person against whom the restraining order was sought.

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See Wis. Stat. § 813.123(2) (directing that an action for restraining order or injunction for persons at risk “commences with service of the petition upon the respondent”); see also Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin at 6-4 (9th ed. Jan. 2022) (“A respondent is usually the party that prevailed in the circuit court.”). No provision in the rules of appellate procedure provide that the circuit court that entered the order being appealed from is a proper party respondent in an appeal of that order during the normal appellate process outlined in Wis. Stat. § 809.10 et seq. This is not a supervisory writ proceeding under Wis. Stat. § 809.51. It is unclear why the clerk of the court of appeals accepted Frick’s improper designation of “Wood County Circuit Court” as the respondent in this matter. Therefore,

IT IS ORDERED that the clerk of this court is directed to amend the caption in this matter by listing “Coty J. Mayfield” as the “respondent-respondent” and removing “Wood County Circuit Court” as “respondent”;

IT IS FURTHER ORDERED that a copy of this order shall be sent to Coty J. Mayfield by traditional paper means; and

IT IS FURTHER ORDERED that counsel for Wood County Circuit Court shall continue to receive notice of documents filed in this matter as an “other interested party.”

Samuel A. Christensen
Clerk of Supreme Court